

June 2 2010

IN THE SUPREME COURT OF THE STATE OF MONTANA

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Supreme Court Cause No. 10-0142

FILED

JUN 02 2010

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

KATHY HEFFERNAN, ROBIN CAREY, DAVID
HARMON, and NORTH DUNCAN DRIVE
NEIGHBORHOOD ASSOCIATION, INC.,

Plaintiffs, Petitioners, and Appellees ,

-vs-

THE MISSOULA CITY COUNCIL, CITY OF
MISSOULA; and JOHN ENGEN, MAYOR,

Defendants, Respondents, and Appellants,

-and-

MUTH-HILLBERRY, LLC.,

Intervenor-Defendant and Appellant.

MOTION BY APPELLANT/INTERVENOR MUTH HILLBERRY
FOR EXTENTION OF TIME TO FILE OPENING BRIEF ON APPEAL

Appellant/Intervenor Muth-Hillberry, LLC, respectfully moves this
Court to extend the time to file its Opening Brief on appeal thirty (30) days,
to July 15, 2010, and in support thereof respectfully represents as follows:

The Opening Briefs of Appellants Muth-Hillberry, LLC, the Missoula City Council, the City of Missoula, and Mayor John Engen are currently due on June 15, 2010. Due to scheduling conflicts of counsel for these Appellants, and a pre-planned family trip of counsel for Appellant Muth-Hillberry, LLC, the Appellants require additional time to file their Opening Briefs. All of said Appellants therefore respectfully request the Court to extend the time for filing their Opening Briefs until July 15, 2010.

Counsel for Appellants the Missoula City Council, the City of Missoula, and Mayor John Engen consents to and joins in this motion. Counsel for Appellees/Plaintiffs Kathy Heffernan *et al* does not oppose and consents to this motion.

A proposed Order and three copies, and three service envelopes, are submitted herewith.

RESPECTFULLY SUBMITTED this 1st day of June, 2010.

SNAVELY LAW FIRM
Attorneys for Intervenor-Defendant
and Appellant Muth Hillberry, LLC

By: _____

Donald V. Snavely

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CERTIFICATE OF SERVICE

I hereby certify that I am filing a true and accurate copy of the foregoing MOTION FOR EXTENSION OF TIME with the Clerk of the Montana Supreme Court; and that I have served by first class mail, postage prepaid, true and accurate copies of the foregoing MOTION FOR EXTENSION OF TIME each attorney of record, and each party not represented by an attorney in the above-referenced appeal, as follows:

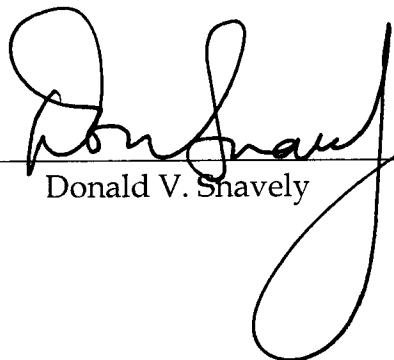
David K.W. Wilson, Jr.
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Helena, Montana 59601

Attorney for Plaintiffs-Appellees

Mr. Jim Nugent
City Attorney
435 Ryman Street
Missoula, MT 59802

Attorney for Defendants-Appellants
Missoula City Council, City of Missoula,
and Mayor John Engen

Dated this 1st day of June, 2010.


Donald V. Shavelly